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HAYNES *v.* COMMONWEALTH.

Dec. 14, 1905.

[52 S. E. 358.]

1. Bribery—Executive Officers—Policemen.—A police officer of a city is "an executive officer," within Code, § 3744, providing that, if any person give or offer any gift or gratuity to any executive officer with intent to influence his act, decision, or judgment on any matter or question which is or may be then pending or may be brought before him in his official capacity, shall, on conviction, be punished, etc.

[Ed. Note.—For cases in point, see vol. 8, Cent. Dig. Bribery, § 3.]

2. Criminal Law—Evidence—Other Offenses.—Where, at the time accused was prosecuted for bribing a police officer, a charge was pending against her for abducting G., a girl under 14 years of age, it was error to permit the state to prove by G. in the bribery case that she had been given whisky to drink and had had intercourse with a man at the house of accused the previous night.

3. Same—Prejudice.—Where accused may have been prejudiced by evidence erroneously admitted, it is sufficient to require a reversal of the judgment, though it be doubtful whether accused was in fact prejudiced.

[Ed. Note.—For cases in point, see vol. 15, Cent. Dig. Criminal Law, § 3094.]

JOHNSTON'S ADM'R *v.* MOORE LIME CO.

Nov. 23, 1905.

[52 S. E. 360.]

Master and Servant—Negligence—Contributory Negligence—Questions for Jury.—Evidence in an action for the death of an employee, in consequence of the explosion of the throttle valve of a steam engine operated by the employee, examined, and held, that the questions of the employer's negligence and the employee's contributory negligence were for the jury.

[Ed. Note.—For cases in point, see vol. 34, Cent. Dig. Master and Servant, §§ 1001, 1089.]

JERNIGAN *v.* COMMONWEALTH.

Dec. 7, 1905.

[52 S. E. 361.]

Fish—Criminal Trespass—Right of Appeal.—Code 1904, p. 1045, § 2071, declares any one who fishes in the waters on another's land guilty of a trespass, and provides that on conviction he shall be fined. Section 2073, p. 1046, provides that the offender shall be carried